

August 15, 1997

EMPLOYEE PARTICIPATION IN PRIVATE PUBLICATIONS

1. **PURPOSE:** This directive is intended to provide guidance and policy on the expected relationship among Veterans Health Administration (VHA) officials and staff and private publications that may be associated with, concerned about, or focused on, veterans' or Federal healthcare, the Department of Veterans Affairs healthcare system or veterans' health-related issues.

2. **POLICY:** Authorized purposes pertaining to outreach, public affairs and scientific peer review are described in this paragraph, which details how VHA headquarters and facility employees, and public affairs officers acting on behalf of them or the organization, should conduct these activities with private publications.

a. **Official Capacity.** VHA employees (and acting in their behalf or on behalf of the facility, VHA facility public affairs officers (PAOs) or collateral duty PAOs) generally should not provide articles in response to specific solicitations from private publications. Providing news releases and features prepared for general media distribution, including private publications, however, is entirely appropriate. A specific, infrequent solicitation, such as for an article with the by-line of a high-ranking VA or VHA official, may be appropriate. However, multiple or recurring submissions of articles prepared for one specific publication by a VA official or staff member(s) at a VA facility(ies) are inappropriate when the publication's commercial success may be based on such articles.

(1) An unnumbered memorandum signed by the Under Secretary for Health, dated May 9, 1996, subject "Public Affairs Guidance," advised in part that Federal ethics laws and VA policy permit employees to write for private publications when agency or department purposes of "...scientific peer review..." are being pursued or achieved. The use of the term "scientific peer review" is intended to refer to refereed and/or peer-reviewed journals published by a number of scientific, academic, research and clinical organizations known generally and broadly to VA health professionals, academicians and researchers. It does not include, and is specifically meant to exclude, for-profit periodicals that rely primarily on such articles for their commercial success.

(2) To reiterate, officers and employees of the veterans healthcare system, in VHA Headquarters and throughout the field, and public affairs officers acting for them or generally for the organization, should not engage in writing or providing information for private publications outside these specific, authorized purposes, and no Federal resources may be used lawfully in producing written materials outside these purposes.

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b. **Personal Capacity.** A VA employee who writes for private publication(s) is *not restricted* when: the VA employee does not use VA position or title except as one of several biographical details, and avoids being compensated or reimbursed for any writing which is "...related to duties..." within the meaning of the employee standards of conduct. Further, in a scientific or professional journal, where an employee uses the employee VA title or position in connection with a published article, the title or position must be accompanied by a reasonably prominent disclaimer satisfactory to the Department *stating that the views expressed in the article do not necessarily represent the views of the Department of Veterans Affairs or of the United States Government.*

c. **Interviews.** In VHA Headquarters, requests for personal interviews of VHA officials and staff members received from private publications must be closely coordinated with the News Service, office of the Deputy Assistant Secretary for Public Affairs (80). In field facilities, interview requests are to be coordinated by the facility or network PAO. The PAO is to consult, as necessary, with the Regional Office of Public Affairs. The Office of Public Affairs may be consulted for advice on dealing with local and regional interview requests and per policy, must be consulted when the request is from national media.

3. ACTION

a. This policy is to be widely disseminated to VHA staff and officials, in VHA Headquarters and all VHA field activities, especially among VA employees in the academic, clinical, and research disciplines.

b. Copies of this directive are to be posted on employee bulletin boards.

c. The directive is to be provided to new VHA employees at the time of new-employee orientation, with appropriate explanation and clarification.

d. This policy is to be discussed at administrative and clinical executive boards and their equivalents, as well as in other meetings as appropriate.

NOTE: *The VA Regional Counsel and the Assistant General Counsel (023) in VA Central Office are available for advice (and should be consulted) when any question arises concerning the subject matter with which this policy is concerned.*

4. REFERENCES

a. Title 38 United States Code 1301.

b. Title 5 Code of Federal Regulations Part 2635.

c. MP-1, Part I, Chapter 4, Paragraph 5.

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5. FOLLOW-UP RESPONSIBILITY: The Chief of Staff (10C); Network Directors (10N1-22); Medical Center Directors (00) are responsible for implementing this directive. The Chief Policy, Planning, and Performance Officer (105D) is responsible for the content of this directive.

6. RESCISSIONS: None. This VHA Directive will expire August 15, 2002.

S/ Thomas Garthwaite, M.D. for
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Under Secretary for Health

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